

Armed And Dangerous

Federal agencies expanding use of firepower

by Sarah Foster

During the late morning of January 14, 1997, 20 heavily armed federal agents and local sheriff's deputies descended from a military helicopter onto rocky Santa Cruz Island off the California coast. As snipers moved into position along the ridge tops to secure the perimeter of the attack area other agents staged dynamic entry into the buildings — rousting 15-year-old Crystal Graybeel who was sleeping late in her cabin.

“They started screaming, ‘Put your hands where we can see them.’ They unzipped my sleeping bag. I had to get face down on the floor and they handcuffed me,” the teenager said. She recalled the intruders wore ski masks and carried machine guns. They kept her handcuffed for two hours.

The target of the raid? A 6,500 acre bow-and-arrow hunting ranch, the last bastion of private property on the island. The raid resulted in three arrests — volunteer Rick Berg, 35, and caretakers Dave Mills, 34, and Brian Krantz, 33 — on suspicion of robbing Chumash Indian graves and taking human remains and artifacts, charges they denied.

The agency responsible for all this was not the Bureau of Alcohol, Tobacco and Firearms, nor the FBI, nor any other agency typically associated with such “dynamic entries.” This raid was the work of the National Park Service.

Surprised? So were local residents. Though no lives were lost, the raid inspired a firestorm of protest. “It saddens me that the Park Service has resorted to Ruby Ridge tactics,” said Marla Daily, president of the Santa Cruz Island Foundation, referring to the September 1992 standoff between the FBI and Randy Weaver that resulted in the death of Weaver’s wife. “This incident clearly crosses the line,” Daily said.

If the use of the Park Service in commando-style operations seems strange, it shouldn’t. At a time when elected legislative bodies from city councils to Congress — have been passing laws that restrict the rights of law-abiding citizens to keep and bear arms, federal agencies within the executive branch have been quietly authorizing dramatically increased numbers of armed personnel — often heavily armed with military-style assault weapons.

Today, there are nearly 60,000 federal agents trained and authorized to enforce the over 3,000 criminal laws Congress has passed over the years, plus the hundreds of thousands of regulations which now carry criminal penalties.

“Good grief, that’s a standing army,” said Larry Pratt of Gun Owners of America. “It’s outrageous.”

According to a recent report from the General Accounting Office, as of last September, the number of law enforcement personnel stood at just under 50,000 — distributed through 45 agencies — an increase of about 12,000 agents in 10 years with 2,436 added in 1996 alone. These are full-time agents, authorized to execute searches, make arrests, and/or carry firearms “if necessary.”

But that number is not complete. When some 7,145 Customs inspectors and 317 Customs Department pilots are added — all of whom have the above listed law enforcement powers — the total is pushing 60,000. Why doesn’t the GAO count them? Not because they aren’t armed and dangerous, but because they have different retirement benefits.

Also, a GAO staff consultant explained that the report doesn’t include contract per-

Armed And Dangerous

sonnel or personnel from agencies with less than 25 officials in law enforcement — which is why some agencies, the Federal Emergency Management Agency, for example, aren't on the list.

The recent GAO report is the third and final in a series requested by Rep. Bill McCollum, R-Florida, chairman of the House Subcommittee on Crime, to gather information on agencies charged with investigating violations of federal law.

An earlier report, released last year and presenting figures through Sept. 30, 1995, dealt with the 13 biggest agencies — those with 700 or more investigative personnel. Not surprisingly, the FBI topped the list with over 10,000 agents, followed by the INS, Drug Enforcement Administration, and the U.S. Marshalls [*sic*] Service — all in the Department of Justice. Treasury agencies follow — the Internal Revenue Service, U.S. Secret Service, Customs, BATF and the Postal Inspection Service. Then the National Park Service, U.S. Capitol Police, the Naval Criminal Investigative Service and the Bureau of Diplomatic Security in the State Department.

Some key findings of that report:

- Ten of the 13 agencies employ over 90 percent of all law enforcement investigative personnel: 38,139.
- Between the end of fiscal years 1987 and 1995, there was a 19 percent increase in law enforcement personnel in the 13 agencies.
- As of Sept. 30, 1995, the 13 agencies employed about 42,000 investigative agents. A year later, according to the recent GAO report, it was over 45,000. The pace shows no sign of slackening.

The final report deals with the 32 agencies that employ about 9 percent of the law enforcement personnel. It's among these 32 that you'll find the U.S. Fish and Wildlife, EPA's Office of Criminal Enforcement, Forensics and Training, the Bureau of Land Management's Law Enforcement division and other law enforcement bodies not usually traditionally with guns.

Yet, the proliferation of firearms is even greater in these agencies: from a total of 2,471 law enforcement employees in 1987 to 4,204 as of Sept. 30 last year, a 70 percent increase.

But beyond the flat figures loom questions of how agencies are using, or abusing, the powers they have in everyday law enforcement. Sting operations and other entrapment tactics, hidden-camera surveillance, phone tapping — these have become commonplace practices in the name of investigation. So, too, the use of dynamic entry teams — the kind witnessed at Waco and Ruby Ridge.

David Kopel, director of the free-market Independence Institute, in Golden, Colorado, is an outspoken critic of the usurpation of local and state police authority by the Federal government and the growing use of violence in law enforcement. According to Kopel, the FBI has 56 SWAT teams that “specialize in confrontation rather than investigation, even though investigation is, after all, the very purpose of the bureau.”

“Whereas (J. Edgar) Hoover's agents wore suits and typically had a background in law or accounting, SWAT teams wear camouflage or black ninja clothing and come from a military background,” he said. “They are trained killers, not trained investigators.”

Even worse, other agencies are trying to match “FBI swashbucklers.” BATF, DEA,

U.S. Marshalls [*sic*] Service, even the National Park Service and Department of Health and Human Services — all have their own SWAT teams.

Contacted by telephone, Kopel said he was “not shocked” at the growing size of the community of federal law enforcement personnel as reported by the GAO, “in light of the trends over the past 20 years.” “Of course,” he added, “it would have astonished and frightened the authors of our Constitution.”

“There’s a continuing imperative (for an agency) to get power, and they’ll come back again and again until they get it,” says Eric Sterling, president of the Washington-based Criminal Justice Policy Foundation and a counsel for the House Judiciary Committee in the 1980s. Sterling, who describes himself as a liberal, is particularly alarmed by the arming of agencies with military weapons, such as machine-guns.

“The machine-gun is an indiscriminate weapon, and is singularly inappropriate for the FBI and other agencies,” he said. “Its use by a government agency is a horrifying prospect.”

In full agreement is Greg Lojein, legislative counsel for the American Civil Liberties Union. He deplors not only the expansion of the federal law enforcement, but the lack of constraining mechanisms.

“Local police are subjected to review (by civilian boards), but not federal agents,” he noted. “When the Department of Justice investigates (an agency incident), the results are not nearly as trustworthy as when an independent entity investigates. Just ask Richard Jewell about this.”

Lojein called attention not only to the procurement of military weapons themselves, but to the acquisition of heavy equipment such as military helicopters and tanks as well — “heavy equipment,” he said, “more characteristic of war than of law enforcement.”

“The last thing people want to see is a tank on a city street,” he said. “That’s what you expect to see in Bosnia, but not in Boston.”

Kopel sees the federalization of law enforcement and the growth of the FBI as parts of a larger effort to establish a national police force. He cites in particular the involvement of the FBI in local law enforcement. “Besides traffic tickets, there aren’t many crimes where the FBI isn’t involved in the prosecution,” he said.

Eventually, he predicts, federal law enforcement agencies will be merged — beginning by moving the Treasury agencies under the control of the Justice Department, as Al Gore has recommended. “But a separation of powers is at least a small check on the movement towards total police power consolidation and keeps them from going completely overboard,” said Kopel.

Others are concerned that the militarization of the federal government has already gone too far — that once benign agencies have been given incentives to become armed and dangerous.

The raid at Santa Cruz, for instance, wasn’t the first for the Park Service. It wasn’t even the most horrific in terms of outcome. Just one month after the Weaver debacle at Ruby Ridge, Malibu millionaire Donald Scott was gunned down in his home in a mid-morning assault involving 14 agencies, including NASA, Immigration and Naturalization Services and the L.A. County Sheriff’s Department. The alleged reason for the attack was that Scott was suspected of growing marijuana. None was found.

Armed And Dangerous

There, as at Santa Cruz Island, the lead agency was the NPS; and there, too, the real reason was to acquire Scott's estate for the Park Service.

At Santa Cruz, the National Park Service had been trying to obtain the 6,500 acre ranch — which covers 10 percent of the island. The Nature Conservancy owns the other 90 percent. The three arrests occurred as the National Park Service had obtained orders from Congress to seize the ranch.